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EXAMINER

RECEK, JASON D

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/521,507

Applicant(s)

HEWES ET AL.

Examiner

Jason Recek

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☒ Claim(s) 1,4-8,11,12,14,18,24,27,29,34-39,41,43 and 44 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 January 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

This is in response to the application filed on January 18th 2005 in which claims 1-44 are presented for examination.

Status of Claims

Claims 1-44 are pending of which claims 1, 18, and 26-28 are in independent form.

Claims 1, 4-8, 11-12, 14, 18, 24, 27, 29, 34-39, 41, and 43-44 are currently objected to.

Claims 7, 13, 15, and 18-44 are currently rejected under 35 U.S.C. 112 second paragraph.

Claims 1-8, 12, 14-15, and 17-19 are currently rejected under 35 U.S.C. 102(b).

Claims 9-11, 13, 16, and 20-44 are currently rejected under 35 U.S.C. 103(a).

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "102" and "110" have both been used to designate Data Network. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate

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prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are also objected to because in box 310 of Fig. 8 the word "design" is misspelled.

Specification

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

4. The abstract of the disclosure is objected to because it contains the legal terms "means" and "said". Correction is required. See MPEP § 608.01(b).

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5. The disclosure is objected to because of the following informalities: the last paragraph on page 25 is discussing Fig. 3 however it refers to several reference numbers that are not shown in Fig. 3, specifically 130, 162, and 186; on page 27 a message exchange interface is mentioned but no reference number is cited; also on page 27 there are two instances of "Web Service interface 123" when the web services box in Fig. 4 is labeled as 124; also on page 27 the sentence "The HTTP interface 122 and the Web Service interface 123 are the external entry points for organizations into the dialog server service layer 120" does not correspond to the drawings, the drawings show that these are the entry points into the dialog designer not the dialog server; at several points in the description an item is first referred to in the singular and later in the plural, one example is on page 28 the first full paragraph describes "the execution unit 140" but later the same paragraph describes "the execution units 140" the drawings only show 1 unit thus all references to multiple units should be removed.

Appropriate correction is required.

Claim Objections

6. Claim 1 is objected to because of the following informalities: the phrase "to offer the ability to select the type of a program" creates uncertainty about whether the ability to select is actually offered or not. Appropriate correction is required.

7. Claims 1, 5-6, 11-12, 14, 18, 27, 29 and 37 are objected to because of the following informalities: the term "means of" is not a proper invocation of 35 U.S.C §112

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paragraph 6, thus these claims will not be treated as means plus function claims.

Appropriate correction is required if such treatment is desired.

8. Claim 4 is objected to because of the following informalities: the term "said message application service" has no proper antecedent basis. Appropriate correction is required.

9. Claims 5, 7-8, 12, 34-35 and 41 are objected to because of the following informalities: the claims each contain one or more acronyms that are not spelled out in the claim. Appropriate correction is required.

10. Claim 24 is objected to because the term "the service provider invoices" does not have proper antecedent basis. Appropriate correction is required.

11. Claim 25 is objected to because of the following informalities: the claim recites "said message detailed records" in step (e), the term *detailed* is either misspelled or does not have proper antecedent basis. Appropriate correction is required.

12. Claim 37 is objected to because Macromedia is misspelled. Appropriate correction is required.

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13. A series of singular dependent claims is permissible in which a dependent claim refers to a preceding claim which, in turn, refers to another preceding claim.

A claim which depends from a dependent claim should not be separated by any claim which does not also depend from said dependent claim. It should be kept in mind that a dependent claim may refer to any preceding independent claim. In general, applicant's sequence will not be changed. See MPEP § 608.01(n). Claims 35-39 and 43-44 are incorrectly ordered. Appropriate correction is required.

Claim Rejections - 35 USC § 112

14. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

15. Claim 28 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 28 recites "a plurality of message service provider systems at least one of which implements a different messaging technology". The term *different* renders the claim indefinite because it cannot be understood by one of ordinary skill in the art what the applicant is intending to claim.

16. Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 7 recites "or any other messaging technology". This phrase cannot be determined because it depends on the date of the statement. Certain

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technologies now known can be ascertained however when reading this claim 1 year from now it is not possible to ascertain what technologies are covered because applicant could have claimed undiscovered or undeveloped technologies.

17. Claim 13 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 13 recites "the message application server is integrated with said organizations systems" however no detail is given as to what *integrated* means, if it merely suggests the organization can access the message server than this claim fails to differ in scope from claim 2.

18. Claim 15 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 15 recites the limitation "messaging instructions" in line 1. There is insufficient antecedent basis for this limitation in the claim.

19. Claim 18 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term "until satisfied" in claim 18 is a relative term which renders the claim indefinite. The term "until satisfied" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one

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of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Claim 18 is further rendered indefinite by the use of "optionally" in step (f). The term "optionally" renders the claim indefinite because it is not clear when you store the responses and when not.

Claim 18 is further rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 28 recites the limitation "the data" in section (h). There is insufficient antecedent basis for this limitation in the claim.

20. Claim 25 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 25 recites "receiving message detail records from the messaging service providers" however this contradicts with claim 23 from which claim 25 depends which recites "importing the message detail records generated by the message application server", thus it is unclear where the message detail records are coming from, the server or the service providers. Claim 25 cannot literally say they are from the service providers because claim 23 has already stated they are from the application server.

Claim 25 is further rejected under 35 U.S.C. 112, second paragraph because step (e) recites two separate "accounts payable reports" without distinguishing between a first and second accounts payable reports.

21. Claim 26 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 26 recites "assuming the messaging program instructions include [...]" in step (e), the word *assuming* renders the claim indefinite because it is unclear whether this step will be performed or not.

22. Claim 27 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 27 has the same problem as claim 26 in using the word *assuming* to introduce a limitation, also several limitations lack antecedent basis, one example is "the messaging device address" in step (c), also the word "my" should be *by* in the last line of step (e).

23. Claim 32 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 32 recites "the executable applications" without antecedent basis. Also, in the last line "a message exchange" is cited to connect the dialog server to itself, it is not clear how the exchange connects the server to the exchange.

24. Claim 41 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 41 recites "said plurality of messaging device" without antecedent basis.

25. Claims 19-25 and 29-44 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims all depend from rejected claims.

Claim Rejections - 35 USC § 102

26. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

27. Claims 1-8, 12, 14-15, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Caswell U.S. Pat. No. 6,336,138 B1.

Regarding claim 1, Caswell discloses "a dialog designer" as a discovery template and generating the service model, these provide the features that the dialog designer provides (col. 3 ln. 35-58, Fig. 9-12), "a dialog server" as application or front-end servers (col. 6 ln. 65 – col. 7 ln. 13, Fig. 4), and "a message exchange" as an NFS service (col. 7 ln. 13-21, Fig. 4).

Regarding claim 2, Caswell discloses "wherein a plurality of organizations hierarchically organized can independently develop, test, execute and analyze messaging programs" because the template disclosed may be configured for any one organizations particular needs (col. 5 ln 63-67), also computation rules are disclosed which allow for analyzing (col. 5. ln 59-60).

Regarding claim 3, Caswell discloses "wherein said organizations are not messaging service providers" because it describes the system being used by an internet service provider (col. 5 ln 39-40).

Regarding claim 4, Caswell discloses "connected to a plurality of message service providers" because the system of Caswell is connected to authentication servers and mail servers which are capable of sending messages to users (Fig. 4).

Regarding claim 5, Caswell discloses "connected [...] by means of a data network" as a network connection between the discovery agent / management system to the mail server (Fig. 7), "using a variety of messaging protocols" such as POP3 (Fig. 5).

Regarding claim 6, Caswell discloses "said message application server is connected to said organizations by means of a data network" as a network connection

between the discovery agent / management system and the file servers of the ISP (Fig. 7).

Regarding claim 7, Caswell discloses “the messaging devices used by the messaging users use [...] instant messaging, e-mail [...]” as a user using e-mail to retrieve messages (col. 5 ln. 55-57, col. 18 ln 57-63, Fig. 5).

Regarding claim 8, Caswell discloses “the messaging programs and instructions are designed using a GUI” as a configuration interface (col. 9 ln. 47-49, Fig. 3 item 60).

Regarding claim 12, Caswell discloses “interface with the message application server by means of web service calls” as an ISP system which must communicate using application layer technologies such as HTTP, SMTP, etc. (col. 4 ln 13-16).

Regarding claim 14, Caswell discloses “wherein the dialog server can access messaging instructions from remote computer systems” as front-end servers connected to remote computer systems (Fig. 4).

Regarding claim 15, Caswell discloses “instructions, includes [...] logic primitives, [etc.] whereby any message program of arbitrary complexity can be developed” as servers capable of running complex or simple programs (col. 6 ln 66 – col. 7 ln 1, Fig. 4).

Regarding claim 17, Caswell inherently discloses "store message into queues with flow control techniques" as any system using TCP will provide flow control.

28. Claims 18-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Gilchrist et al. U.S. Pat. No. 6,205,471 B1.

Regarding claim 18, Gilchrist discloses "designing said messaging program" (col. 2 ln. 51-63), "selecting a segment for push programs" as a recipient list (Fig. 12), "selecting the program service addresses" (col. 17 ln 16-30, Fig. 12), "testing said messaging program, iterating back to step (a) until satisfied" (col. 6 ln 45-48), "executing said messaging program" (col. 19 ln 10-23, Fig. 14), "users interacting with said messaging program" (Fig. 14), "storing said messaging users responses" (Fig. 8 item 44), "stopping said messaging program" as interrupting (col. 3 ln 16-20), and "analyzing said messaging program" by designing extensible functions which can be later configured depending on the needs of the messaging program (col. 6 ln 31-44).

Regarding claim 19, Gilchrist discloses "whereby the data captured as part of executing a messaging program is used in a subsequent messaging program" as an iterative design process, in such a process it is inherent that data captured or observations made will be used in the future (col. 6 ln. 45-46).

Claim Rejections - 35 USC § 103

29. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

30. Claims 9-10 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Caswell in view of Eggleston et al. Pat. No. 5,958:

Regarding claim 9, Caswell discloses "a data database" (col. 9 ln 21, Fig. 3 item 36), and "an address manager" as a management system (col. 9 ln 13-15, Fig. 3 item 56). Caswell does not disclose "an opt-out system", "a billing system" or a "message detail record database" for billing purposes, however Eggleston does teach "an opt-out system" as a user filter (col. 9 ln 27-29, Fig. 4 step 432), "a billing system" as a billing manager (col. 2 ln 5-12, Fig. 2 item 262), and a "message detail record database" capable of tracking billing events (col. 15 ln 25-31, Fig. 2 item 264).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Caswell with the filter and billing system of Eggleston. Eggleston teaches that motivation is to provide users and managers with effective means to control messages during a billing cycle (col. 2 ln 5-13).

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Regarding claim 10, neither Caswell nor Eggleston specifically teach to use the data stored in the database in future programs however it is inherent that data collected will be used in the future and obvious to one of ordinary skill that the use may be for similar programs. The motivation to combine is the same as in claim 9.

Regarding claim 13, Caswell does not disclose "customer relationship management systems" however Eggleston teaches this as a billing manager (col. 2 ln 5-12, Fig. 2 item 262).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Caswell with the billing manager of Eggleston. Eggleston teaches that motivation is to provide users and managers with effective means to control messages during a billing cycle (col. 2 ln 5-13).

31. Claims 11, 16 and 27 – 31, 35-41, and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Caswell in view of Gilchrist et al. U.S. Pat. No. 6,205,471 B1.

Regarding claim 11, Caswell does not specifically disclose that "organization accesses the dialog designer using a web browser from a remote computer" however Gilchrist teaches that the messaging computer systems may receive data by well-known methods (col. 14 ln 20-25).

It would have been obvious to one of ordinary skill in the art at the time of the invention to use a web browser to access a remote computer. The motivation to combine Caswell with Gilchrist is to make a more efficient system.

Regarding claim 16, Caswell does not specifically disclose "dialog server maintains session state" however Gilchrist teaches a computer that can perform messaging tasks using multiple protocols including session based communication (col. 2 In 11-29). It would have been obvious to use sessions to communicate the motivation is to provide more flexibility in the type of messaging programs.

Regarding claim 27, Caswell discloses receiving "a messaging device originated message" as mail servers connected to users (Fig. 4), "forwarding said message from said message exchange to a dialog server" as routing message to appropriate application (col. 6 In. 65 – col. 7 In. 13, Fig. 4), Caswell does not disclose the software based steps of (c) – (e) however these are taught by Gilchrist. Gilchrist teaches "looking up the appropriate session context [...] and the program service address" as a email framework that can operate on multiple protocols (abstract, col. 2 In 11-29, Fig. 21-23), "executing the messaging program instructions [...] based on the session state" (col. 3 In 21-35 and col. 17 In 25-30), and "routing said message in said message exchange to the appropriate messaging service provider, and storing any message status delivery returned" (Fig. 14, 38). It would have been obvious to combine the steps of Gilchrist with Caswell, the motivation is to create a more flexible program.

Regarding claim 28, Caswell discloses "a plurality of client systems" as ISP users (Fig. 4, 7), "a plurality of message service provider systems" when an ISP is using the invention of Caswell to map several ISPs (Fig. 7), "a message application server in communication" as servers with at least NFS service interconnected by a network (col. 3 ln. 35-58, Fig. 9-12, col. 6 ln. 65 – col. 7 ln. 21, Fig. 4), "client systems are configured to interface with said message application server" (Fig. 4). Caswell does not specifically disclose client systems developing messaging applications and does not disclose "message application server is configured to determine and route said messages to said plurality of message service provider systems regardless of said message service provider systems implemented messaging technology" however these are taught by Gilchrist as a email gateway that can accept multiple protocols (col. 2 ln 11-29) and an iterative development environment (col. 6 ln 14-53).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Caswell with Gilchrist. The motivation to develop programs using the iterative approach is to ensure they work properly.

Regarding claim 29, Caswell discloses "a dialog server" (col. 6 ln 65 – col. 7 ln 13).

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Regarding claim 30, Caswell discloses "a message exchange" as a mail server (col. 7 ln 13-21, Fig. 4).

Regarding claim 31, Caswell discloses "a dialog designer" (col. 3 ln. 35-58, Fig. 9-12), "configured to provide an interface" (col. 4 ln 38-40).

Regarding claim 35, Caswell discloses "a GUI design tool" (col. 9 ln 46-51).

Regarding claim 36, a message application is interactive when a user receives a message and responds. Gilchrist teaches an email gateway that is capable of accepting responses from a user (Fig. 12) thus the message applications are inherently interactive.

Regarding claim 37, Gilchrist discloses an email gateway that can recognize a message from a different protocol (col. 2 ln 13-15), thus support for "multimedia messaging applications" is inherent.

Regarding claim 38, Caswell discloses "client interface component" as a GUI at an operator computing station (col. 9 ln 46-50), and "server interface component" which will run on the server (Fig. 7).

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Regarding claim 39, Caswell does not specifically disclose that "client interface component is a WEB browser" however Gilchrist teaches that the messaging computer systems may receive data by well-known methods (col. 14 ln 20-25), this includes HTTP. It would have been obvious for one to use a web browser as an interface, the motivation is to make the program easier to use.

Regarding claim 40, Caswell discloses "a plurality of messaging devices" as a plurality of users each with their own messaging device (Fig. 7), and "messaging service provide gateway communicatively connected to said messaging application server" as a network connection between the users and the server (Fig. 7).

Regarding claim 41, Gilchrist discloses an email gateway system capable accepting multiple protocols (col. 2 ln 11-15) this would include a system capable of supporting wireless devices.

Regarding claim 44, Caswell discloses "dialog designer is further configured to facilitate reporting of said message application transactions" as a sever which maintains a log of activity, this will facilitate reporting of all transactions (servers Fig. 7).

32. Claim 32-34, and 42-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Caswell in view of Gilchrist and in further view of Eggleston.

Regarding claim 32, Caswell inherently discloses “an execution unit” as a processor within a computer (Fig. 4), “an application service system” as a service model that supports management functions (col. 3 ln 62 – col. 4 ln 3), “a user system” (Fig. 4, 7), “a dialog server in-queue to store messages” (col. 6 ln 66 – col. 7 ln 3, Fig. 3), “a monitoring unit” (col. 3 ln 62-66), “a dialog server database” (36 Fig. 3), “a dialog designer interface” (col. 9 ln. 47-49, Fig. 3 item 60), and “a message exchange” (mail server Fig. 4). Gilchrist discloses “a scheduler unit” (col. 19 ln 10-23, Fig. 14), “a session system” (col. 2 ln 26-29), “an application instruction unit” (Fig. 8), “a bulksend unit” deliver method combined with recipient list (Fig. 12, 14), and “a message delivery status system” non delivery method (Fig. 38). Caswell and Gilchrist do not disclose the opt-out system or a log (database) for accounting purposes, however these are taught by Eggleston (col. 9 ln 27-29, Fig. 4 step 432) and (col. 15 ln 25-31, Fig. 2 item 264) respectively.

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the Caswell and Gilchrist with the features of Eggleston. The motivation is to enhance the messaging system by providing the billing feature, similar to claim 9.

Regarding claim 33, Caswell inherently discloses “an out queue” as the mail server would place outgoing messages in a queue until they are sent (Fig. 4), “an

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outgoing message router" (mail server Fig. 4), "an incoming message router" (mail server Fig. 4), "an address manager" DNS (col. 7 line 13-21), "a monitoring unit" (col. 5 ln 57-62), "a message exchange database" (74, 78 Fig. 4), "a message exchange message detail record database" (36, Fig. 3, col. 9 ln 18-21), "a dialog server interface" (60 Fig. 3), and "a dialog designer" (col. 3 ln 35-58). Gilchrist discloses "a plurality of outgoing handlers, each for a specific messaging technology" as object oriented email gateway that can recognize different protocols (col. 2 line 11-29), and "a plurality of incoming handlers" (col. 2 line 11-29). Caswell and Gilchrist do not disclose "a billing system" or "a billing MDR database" however these are taught by Eggleston (col. 2 ln 5-12, Fig. 2 item 262) and (col. 15 ln 25-31, Fig. 2 item 264) respectively. The combination of Eggleston with Caswell and Gilchrist would have been obvious to one of ordinary skill in the art at the time of the invention, the motivation is similar to claim 32.

Regarding claim 34, Caswell does not specifically disclose "an HTTP interface" however Gilchrist teaches that the messaging computer systems may receive data by well-known methods (col. 14 ln 20-25), Caswell does disclose "interface to enable said client systems to automate access" (col. 3 ln 49-59), "a service layer" as application servers (col. 6 ln 67), "a dialog server interface" (col. 9 ln 46-50), "message exchange interface" (col. 9 ln 46-50), "dialog designer database" (col. 9 ln 17-22), "dialog designer data database" (36 Fig. 3). Caswell and Gilchrist do not disclose "message detail record database to store billing [...] information" however Eggleston teaches this (col. 15 ln 25-31, Fig. 2 item 264). The combination of Eggleston with Caswell and Gilchrist

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would have been obvious to one of ordinary skill in the art at the time of the invention, the motivation is similar to claim 32.

Regarding claim 42, Caswell and Gilchrist do not specifically disclose a "customer relationship management system" however Eggleston teaches this as a billing manager (col. 2 ln 5-12, Fig. 2 item 262). The combination of Eggleston with Caswell and Gilchrist would have been obvious to one of ordinary skill in the art at the time of the invention, the motivation is similar to claim 32.

Regarding claim 43, Caswell and Gilchrist do not specifically disclose "configured to manage service addresses and to perform message billing" however Eggleston teaches this as a billing manager (col. 2 ln 5-12, Fig. 2 item 262). The combination of Eggleston with Caswell and Gilchrist would have been obvious to one of ordinary skill in the art at the time of the invention, the motivation is similar to claim 32.

33. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gilchrist et al. U.S. Pat. No. 6,205,471 B1.

Regarding claim 20, Gilchrist discloses "whereby segments are created from list data imported by the program designer into a data database" as a recipient list (Fig. 12) however Gilchrist does not specifically disclose creating segments from "results data

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generated by the execution of prior messaging programs” however this would have been obvious to one of ordinary skill in the art at the time of the invention.

It would have been obvious for the segments (recipient list) taught by Gilchrist (Fig. 12) to be created from data generated by the execution of prior messaging programs. The motivation is that if favorable replies or negative replies are received the segment (recipient list) may be changed accordingly to be more effective.

34. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gilchrist in view of Tucciarone et al. US2004/0122730 A1.

Regarding claim 21, Gilchrist does not specifically disclose “deliver coupons [...] to said messaging users” however Tucciarone teaches using electronic messaging to deliver coupons (pg. 19 Table A steps 22B-24C).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Gilchrist with the coupon feature from Tucciarone. The motivation is to fulfill customer requests using electronic messaging.

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35. Claims 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gilchrist in view of Dattatri US2002/0049815 A1.

Regarding claim 22, Gilchrist discloses storing service events in a database (Fig. 8) however does not disclose storing "billable events". Dattatri teaches using a database to hold billing information (paragraph 62 pg. 6-7)

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Gilchrist with Dattatri. The motivation is to bill users for the amount of messages.

Regarding claim 23, Gilchrist does not disclose the steps of billing for messages however Dattatri teaches "importing the message detail records" (paragraph 88), "rating and billing said message detail records" (paragraph 88), and "generating organization invoices" (paragraphs 94-95).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Gilchrist with Dattatri. The motivation is to bill users for the amount of messages.

Regarding claim 24, Gilchrist does not disclose the steps of billing however Dattatri teaches "reconciling the service provider invoices for messaging transport costs

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with the service provider account payable reports” as billing for the cost of service (paragraphs 94-95).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Gilchrist with Dattatri. The motivation is to bill users for the amount of messages.

Regarding claim 25, Gilchrist does not disclose the steps of billing however Dattatri teaches “receiving message detail records” (paragraph 88), “importing said message detail records in said billing MDR database” (paragraph 88), “rating and billing said message detail records” (paragraph 88), “generating service provider account payable reports” (paragraphs 94-95), and “reconciling the accounts payable reports [...] with the accounts payable reports” as matching receipt of messages with billing (paragraph 62).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Gilchrist with Dattatri. The motivation is to bill users for the amount of messages.

36. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gilchrist in view of Eggleston.

Regarding claim 26, Gilchrist discloses "creating a segment" as a recipient list (Fig. 12), "starting a messaging program" (col. 19 ln 10-23, Fig. 14), "executing a bulksend in a dialog server which retrieves the messaging users messaging device address" (col. 17 ln 16-30, Fig. 12), "executing in said dialog server messaging program instructions" it is inherent that program instructions will be executed when the messaging program is executed (Fig. 14), "routing said message to a message exchange" (Fig. 10), and "storing any message status delivery returned" as handle non delivery method (Fig. 14). Gilchrist does not disclose "filtering out messaging device address of users that have opted-out" as in step (c) however Eggleston teaches "an opt-out system" as a user filter (col. 9 ln 27-29, Fig. 4 step 432).

It would have been obvious to combine Gilchrist with Eggleston, the motivation is to provide users and managers with effective means to control messages during a billing cycle (col. 2 ln 5-13).

Conclusion

37. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Eggleston et al. US Pat. 6,101,531 teaches user-selected filtering of electronic messages using wireless client.

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Clubb et al. US2001/0034791 A1 teaches forwarding electronic messages to multiple client devices.

Dalal et al. US2002/0073158 A1 teaches interactive messaging.

Chi et al. US2002/0103866 A1 teaches an object oriented messaging system using publishers and subscribers.

Prince US2002/0165923 A1 teaches a pull system for digital messaging.

Shum US2004/0059789 A1 teaches a system for tracking electronic messages.

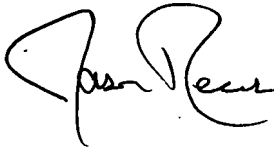
Irlam et al. US2005/0064850 A1 teaches a system for filtering electronic messages.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Recek whose telephone number is (571) 270-1975. The examiner can normally be reached on Mon - Thurs 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frantz Coby can be reached on (571) 272-4017. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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